



General Assembly

January Session, 2015

## ***Amendment***

LCO No. 9343



Offered by:

REP. TONG, 147<sup>th</sup> Dist.  
SEN. COLEMAN, 2<sup>nd</sup> Dist.  
REP. REBIMBAS, 70<sup>th</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.  
REP. SAMPSON, 80<sup>th</sup> Dist.

REP. LABRIOLA, 131<sup>st</sup> Dist.  
REP. SMITH, 108<sup>th</sup> Dist.  
REP. HARDING, 107<sup>th</sup> Dist.  
REP. DUBITSKY, 47<sup>th</sup> Dist.

To: Senate Bill No. 1092

File No. 663

Cal. No. 575

### ***"AN ACT CONCERNING COMPELLED DISCLOSURE OF CELLULAR TELEPHONE AND INTERNET RECORDS."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 54-47aa of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) For the purposes of this section:

6 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)  
7 local and long distance telephone connection records or records of  
8 session times and durations, (D) length of service, including start date,  
9 and types of services utilized, (E) telephone or instrument number or  
10 other subscriber number or identity, including any assigned Internet

11 protocol address, and (F) means and source of payment for such  
12 service, including any credit card or bank account number;

13 (2) "Call-identifying information" means dialing or signaling  
14 information that identifies the origin, direction, destination or  
15 termination of each communication generated or received by a  
16 subscriber or customer, excluding geo-location data, by means of any  
17 equipment, facility or service of a telecommunications carrier;

18 (3) "Electronic communication service" means "electronic  
19 communication service" as defined in 18 USC 2510, as amended from  
20 time to time;

21 (4) "Law enforcement official" means the Chief State's Attorney, a  
22 state's attorney, an inspector with the Division of Criminal Justice, a  
23 sworn member of the Division of State Police within the Department of  
24 Emergency Services and Public Protection or a sworn member of an  
25 organized local police department;

26 (5) "Remote computing service" means "remote computing service"  
27 as defined in section 18 USC 2711, as amended from time to time; and

28 (6) "Telecommunications carrier" means "telecommunications  
29 carrier" as defined in 47 USC 1001, as amended from time to time.

30 (b) A law enforcement official may [request] apply for an ex parte  
31 order from a judge of the Superior Court to compel (1) a  
32 telecommunications carrier to disclose call-identifying information  
33 pertaining to a subscriber or customer, or (2) a provider of electronic  
34 communication service or remote computing service to disclose basic  
35 subscriber information pertaining to a subscriber or customer. The  
36 judge shall grant such order if the [law enforcement official] applicant  
37 states (A) a reasonable and articulable suspicion that a crime has been  
38 or is being committed or that exigent circumstances exist and such call-  
39 identifying or basic subscriber information is relevant and material to  
40 an ongoing criminal investigation, [. The] in which case such order  
41 shall not authorize disclosure of the content of any communication, or

42 (B) probable cause to believe that a crime has been or is being  
43 committed or that exigent circumstances exist and the content of such  
44 subscriber's communications or the geo-location data associated with  
45 such subscriber's call-identifying information is relevant and material  
46 to an ongoing criminal investigation, in which case such order shall  
47 authorize the disclosure of such information, content or geo-location  
48 data. Any such order shall state upon its face the case number assigned  
49 to such investigation, the date and time of issuance and the name of  
50 the judge authorizing the order. The law enforcement official shall  
51 have any ex parte order issued pursuant to this subsection signed by  
52 the authorizing judge within forty-eight hours or not later than the  
53 next business day, whichever is earlier. No such order shall authorize  
54 the disclosure of any such information, content or data for a period  
55 longer than fourteen days.

56 (c) A telecommunications carrier shall disclose call-identifying  
57 information and a provider of electronic communication service or  
58 remote computing service shall disclose basic subscriber information  
59 to a law enforcement official when an order is issued pursuant to  
60 subsection (b) of this section.

61 (d) Not later than forty-eight hours after the issuance of an order  
62 pursuant to subsection (b) of this section, the [law enforcement official]  
63 applicant shall mail notice of the issuance of such order to the  
64 subscriber or customer whose call-identifying information or basic  
65 subscriber information is the subject of such order, except that such  
66 notification may be delayed for a period of up to ninety days upon the  
67 execution of a written certification of such official to the judge who  
68 authorized the order that there is reason to believe that notification of  
69 the existence of the order may result in (1) endangering the life or  
70 physical safety of an individual, (2) flight from prosecution, (3)  
71 destruction of or tampering with evidence, (4) intimidation of potential  
72 witnesses, or (5) otherwise seriously jeopardizing the investigation.  
73 The [law enforcement official] applicant shall maintain a true copy of  
74 such certification. During such ninety-day period, the law enforcement

75 official may request the court to extend such period of delayed  
76 notification. Such period may be extended beyond ninety days only  
77 upon approval of the court. The applicant shall file a copy of the notice  
78 with the clerk of the court that issued such order. If information is  
79 provided in response to the order, the applicant shall, not later than ten  
80 days after receiving such information, file with the clerk a return  
81 containing an inventory of the information received.

82 (e) A telecommunications carrier or provider of electronic  
83 communication service or remote computing service that provides  
84 information pursuant to an order issued pursuant to subsection (b) of  
85 this section shall be compensated for the reasonable expenses incurred  
86 in providing such information.

87 (f) Any telecommunications carrier or provider of electronic  
88 communication service or remote computing service that provides  
89 information in good faith pursuant to an order issued pursuant to  
90 subsection (b) of this section shall be afforded the legal protections  
91 provided under 18 USC 3124, as amended from time to time, with  
92 regard to such actions.

93 (g) No information obtained pursuant to subsection (c) of this  
94 section shall be stored for a period in excess of fourteen days, unless  
95 such information relates to an ongoing criminal investigation.

96 [(g)] (h) Not later than January fifteenth of each year, each law  
97 enforcement official shall report to the Chief State's Attorney the  
98 information required by this subsection with respect to each order  
99 issued pursuant to subsection (b) of this section in the preceding  
100 calendar year. The Chief State's Attorney shall, based upon the reports  
101 filed by each law enforcement official and not later than January thirty-  
102 first of each year, submit a report, in accordance with the provisions of  
103 section 11-4a, to the joint standing committee of the General Assembly  
104 having cognizance of matters relating to criminal law and procedure  
105 concerning orders issued pursuant to subsection (b) of this section in  
106 the preceding calendar year. The report shall include the following

107 information: (1) The number of orders issued, (2) whether the order  
108 was directed to a telecommunications carrier, provider of electronic  
109 communication service or provider of remote computing service, (3)  
110 whether the information sought was call-identifying information or  
111 basic subscriber information, (4) the statutory offense or offenses that  
112 were the subject of the investigation, (5) the number of notifications  
113 that were delayed pursuant to subsection (d) of this section, and the  
114 reason for such delayed notification, (6) the number of motions to  
115 vacate an order that were filed, and the number of motions granted or  
116 denied, (7) the number of investigations concluded and the final result  
117 of such investigations, and (8) the status of any criminal prosecution  
118 resulting from the investigation."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2015</i>	54-47aa
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